REMARKS / ARGUMENTS

Status of Claims

Claims 1-31 are pending in the application. Claims 1-31 stand rejected. Applicants have amended Claims 1, 8, and 19, and Applicants have cancelled Claims 7, 9, 14, and 20-31, leaving Claims 1-6, 8, 10-13, and 15-19 for consideration upon entry of the present Amendment.

Applicants respectfully submit that the rejections under 35 U.S.C. §102(e) and 35 U.S.C. §103(a), have been traversed, that no new matter has been entered, and that the application is in condition for allowance.

Rejections Under 35 U.S.C. §102(e)

Claims 1 and 19 stand rejected under 35 U.S.C. §102(e) as being anticipated by He et al. (U.S. Patent No. 6,141,398 hereinafter He).

Applicants traverse this rejection for the following reasons.

Applicants respectfully submit that "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, ***in a single prior art reference***." *Verdegaal Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987) (emphasis added). Moreover, "[t]he identical invention must be shown in as complete detail as is contained in the *** claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Furthermore, the single source must disclose all of the claimed elements "arranged as in the claim." Structural Rubber Prods. Co. v. Park Rubber Co., 749 F.2d 707, 716, 223 U.S.P.Q. 1264, 1271 (Fed. Cir. 1984). Missing elements may not be supplied by the knowledge of one skilled in the art or the disclosure of another reference. Titanium Metals Corp. v. Banner, 778 F.2d 775, 780, 227 U.S.P.Q. 773, 777 (Fed. Cir. 1985).

Applicants respectfully submit that He does not teach or disclose all of the elements of claim 1. As amended, claim 1 recites a method for managing axial images, the method comprising: receiving at least a portion of a reconstructed axial image, wherein said reconstructed axial image includes a pre-selected number of completed reconstructed slices, a slice thickness and an interval value; creating a reformatted axial image in response to said portion of said reconstructed axial image, wherein said creating includes: modifying said slice thickness in response to user slice thickness input; modifying a pixel intensity in response to a user render option input; updating said interval value in response to user interval value input; and displaying said reformatted axial image in response to user display input, said user display input comprises: an instruction to save a current view of said reformatted axial image in a secondary capture image format; and an annotation level selection including at least three or more annotation levels.

Specifically, He does not teach or disclose creating a reformatted axial image in response to said portion of said reconstructed axial image, wherein said creating includes modifying a pixel intensity in response to a user render option input and updating said interval value in response to user interval value input. Rather, He discloses an image reconstruction, display and processing system that uses image data to reconstruct images for viewing in order to enable the storage of fewer images. He does disclose creating a reformatted axial image in which the slice thickness and the umber of slices may be modified. However, He does not teach or disclose creating a reformatted axial image in response to said portion of said reconstructed axial image, wherein said creating includes modifying a pixel intensity in response to a user render option input and updating said interval value in response to user interval value input. Furthermore, He does not teach or suggest the use of a separate image interval control, which allows users to adjust the image interval independent of the image thickness control. Additionally, He does not disclose a user display input that includes an annotation level selection including at least

three or more annotation levels. Therefore, He does not teach or disclose all of the elements of claim 1.

Applicants respectfully submit that He does not teach or disclose all of the elements of claim 19. As amended, claim 19 recites, a method for managing axial images, the method comprising: receiving a reconstructed axial image, wherein said reconstructed axial image includes a slice thickness and an interval value; creating a reformatted axial image in response to said reconstructed axial image, wherein said creating includes: modifying said slice thickness in response to user slice thickness input; modifying a pixel intensity in response to a user render option input; updating said interval value in response to user interval value input wherein said user interval value input includes an explicit value for said interval value; and displaying said reformatted axial image in response to user display input, said user display input comprises: an instruction to save a current view of said reformatted axial image in a secondary capture image format; and an annotation level selection including at least three or more annotation levels. Specifically, as explained above, He does not teach or disclose creating a reformatted axial image in response to said portion of said reconstructed axial image, wherein said creating includes modifying a pixel intensity in response to a user render option input. Furthermore, He does not teach or suggest the use of a separate image interval control, which allows users to adjust the image interval independent of the image thickness control. Additionally, He does not disclose a user display input that includes an annotation level selection including at least three or more annotation levels. Therefore, He does not teach or disclose all of the elements of claim 19.

Claim 19 is not further objected to or rejected and Applicants submit that Claim 19 is allowable.

In view of the amendment and foregoing remarks, Applicants submit that the Reference does not disclose each and every element of the claimed invention and therefore cannot be anticipatory. Accordingly, Applicants respectfully submit that the

Examiner's rejection under 35 U.S.C. §102(e) has been traversed, and request that the Examiner reconsider and withdraw this rejection.

Rejections Under 35 U.S.C. §103(a)

Claims 1-13 and 15-19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Taguchi (U.S. Patent No. 6,584,166, hereinafter Taguchi) in view of Agiro et al. (U.S. Patent No. 5,986,662, hereinafter Argiro). Claims 7, 9 and 14 has been cancelled. Applicants traverse the rejections of claims 1-6, 8, 10-13, and 15-19 for the following reasons.

Applicants respectfully submit that the obviousness rejection based on the References is improper as the References fail to teach or suggest each and every element of the instant invention. For an obviousness rejection to be proper, the Examiner must meet the burden of establishing a prima facie case of obviousness. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988). The Examiner must meet the burden of establishing that all elements of the invention are taught or suggested in the prior art. MPEP §2143.03.

As amended, claim 1 recites a method for managing axial images, the method comprising: receiving at least a portion of a reconstructed axial image, wherein said reconstructed axial image includes a pre-selected number of completed reconstructed slices, a slice thickness and an interval value; creating a reformatted axial image in response to said portion of said reconstructed axial image, wherein said creating includes: modifying said slice thickness in response to user slice thickness input; modifying a pixel intensity in response to a user render option input; updating said interval value in response to user interval value input; and displaying said reformatted axial image in response to user display input, said user display input comprises: an instruction to save a current view of said reformatted axial image in a secondary capture image format; and an annotation level selection including at least three or more annotation levels. Neither Taguchi nor Argiro, independently or in combination with one another, teach or disclose

all of the elements of claim1. Specifically, neither Taguchi nor Argiro teach or disclose a user display input including an annotation level selection including at least three or more annotation levels.

Taguchi does not teach or disclose all of the limitations of claim 1. Furthermore, Argiro does not cure the deficiencies of Taguchi. Argiro does not teach or disclose a user display input including an annotation level selection including at least three or more annotation levels. Claims 2-6, 8, 10-13, and 15-18 depend from claim 1 and are believed to be allowable due to this dependency.

The elements of dependent claims 9 and 14, which were rejected over Taguchi in view of Agiro et al, have been incorporated into independent claims 1 and 19. Applicants respectfully submit that the obviousness rejection based on the References is improper as the References fail to teach or suggest each and every element of the instant invention. Specifically, neither Taguchi nor Agiro teach or disclose a user display input including an annotation level selection including at least three or more annotation levels.

In view of the foregoing, Applicants submit that the References fail to teach or suggest each and every element of the claimed invention and disclose a substantially different invention from the claimed invention, and therefore cannot properly be used to establish a prima facie case of obviousness. Accordingly, Applicants respectfully request reconsideration and withdrawal of all rejections under 35 U.S.C. §103(a), which Applicants consider to be traversed.

In light of the foregoing remarks and amendments, Applicants respectfully submit that the proposed amendments and arguments comply with 37 C.F.R. §1.116 and should therefore be entered, and with their entry that the Examiner's rejections under 35 U.S.C. §102(b) and 35 U.S.C. §103(a), have been traversed, and that the application is now in condition for allowance. Such action is therefore respectfully requested.

The Commissioner is hereby authorized to charge any additional fees that may be required for this amendment, or credit any overpayment, to Deposit Account No. 07-0845.

In the event that an extension of time is required, or may be required in addition to that requested in a petition for extension of time, the Commissioner is requested to grant a petition for that extension of time that is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to the above-identified Deposit Account.

Respectfully submitted,

CANTOR COLBURN LLP
Applicants' Attorneys

By: _____

Jeffrey L Waters
Registration No: 53,749
Customer No. 23413

Address: 55 Griffin Road South, Bloomfield, Connecticut 06002
Telephone: (404) 607-9991
Fax: (404) 607-9981